

Response from SATA to: Footway Parking and Double Parking (Scotland) Bill - call for evidence

What are your experiences of parking of a footway or on a road next to a dropped kerb or double parking?

As a wheelchairist I have first-hand experience of some of the situations which SP Bill 69 is intended to address; and in my capacity as chair of the Midlothian Disability Access Panel and secretary of the Scottish Accessible Transport Alliance I am well aware of the problems which affect some other people.

The parking or stopping of vehicles on pavements

The issue for me is whether there is enough space to pass the vehicle. Many pavements scarcely have enough room for a wheelchair and a buggy to pass each other, or even a wheelchair and a single pedestrian but all of those have some flexibility to move to one side in order to pass. Where a vehicle is involved and there is no driver sitting in the vehicle there may be just enough room to pass but with a risk of catching knuckles or the wheels of the chair on a wall or on the vehicle. If the space is minimal, then there is no way of avoiding potholes, grates or debris on the footpath. Where there is insufficient space to pass, then a wheelchairist has to retrace the path to find a dropped kerb to get down into the road (which may even be 100m away), travel along the road (obviously in 50% of cases this will be with back to the traffic), pull out into the road to go round the outside of the obstructing vehicle, then find another dropped kerb to get back on to the footpath. So this can involve sometimes 200 m of travelling along the road including going out often almost to the middle-of-the-road for a small part of it. This situation obviously has serious safety concerns, whereas the tight space situation may be only a minor inconvenience. The bit about going out into the road to pass the vehicle would also apply to buggy users, but they would usually have the option of being able to get down off the pavement quite close to the parked vehicle without having to find a dropped kerb.

For the visually impaired person who is constantly finding the footpath obstructed by wide variety of objects (street signs, litter bins, A-boards, telephone boxes, parking and bus ticket vending machines, goods displayed outside shops etc) a vehicle is just another obstruction but it has the disadvantage of being unpredictable and unmeasurable.

Stopping vehicles at a dropped kerb

It's worth noting that the majority of dropped kerbs are at junctions where vehicles should not be parking at any time (within 10m of the junction). Other ones are not always marked, and it is often ignorance or unawareness of their existence that causes the problem. The difficulty for the wheelchairist is the same as before – the distance one may have to go to find a suitable place to get off the kerb and the consequent distance one has to travel along the road.

Responses to your specific questions

There are a number of exceptions whereby parking on a footpath, next to a dropped kerb or double parking would be permissible. Do you have a view on these exceptions?

All of the exceptions referring to emergency vehicles or action taken by other vehicles to enable emergency vehicles to pass together with those referring to utility vehicles in connection with essential repairs are logical and reasonable. The ones which will cause most problems and probably should not be included are those referring to collection and delivery of goods. In relation to stopping at dropped kerbs, as noted above, most of these are at junctions where no vehicle should be stopped anyway, and a possible 20 minute stop could cause significant effect not only for pedestrians but also for other traffic. The same would apply to a vehicle double parked for that purpose for that length of time. This exception should not be allowed.

What exceptions should be allowed, if any, to allow a vehicle to wait whilst parked on a footpath, next to a dropped kerb or double parked?

[Included in previous answer]

The Bill would allow local authorities to designate areas as being exempt from these restrictions. Do you have a view on what the criteria for exemption should be?

It is difficult to see what the purpose and use of an exempt area is, and horrifying to imagine the amount of signage that might be necessary to indicate this (thinking of the signage that currently has to accompany 20 mile an hour zones). I could imagine an industrial estate might come into this category, being as it were semi private and not used by the general public; but I frequently use a wheelchair to get to premises in such an estate and almost always find the pavement is blocked by parked lorries as well as cars and so have to travel on the road. There might be a temptation for local authorities to use such an exemption in areas where there are relatively narrow roads, but there is just as much need for pedestrians to have the space they require. It would be good to see some examples of areas that local authorities might think should have exemptions to justify exemption areas.

Enforcement of the Bill would be the responsibility of the Police (via fixed penalty notices) in areas where parking is criminalised or local authorities (via penalty charge notices) in areas where parking has been decriminalised. Do you have any comments in relation to how the Bill would be enforced?

Obviously, staff have to be available (whether it's by way of police or local authorities) and the costs have to be covered somehow. To be effective there does need to be enforcement but a large part of the process is educational. There will always be some who are so selfish as never to think of anybody else and imagine that they can do exactly what they please, but the majority can be made aware of the issues and behave more sensitively.

Are there any equality issues that arise as a consequence of the proposals in the Bill?

No answer.

Note: The experiences are obviously personal. The answers to the questions may be taken as representative of the opinions of members of the Scottish Accessible Transport Alliance (SATA) and the Midlothian Disability Access Panel who have been consulted.

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